

Remarks

Claims 1-8 and 21-26 are pending in this application. The Examiner has rejected each of claims 1, 7, 8, and 21 on obviousness grounds under 35 U.S.C. § 103 in view of the combination of Traveling Software "Laplink Professional User's Guide" ("Traveling Software") and U.S. Patent No. 6,345,294 to O'Toole. The Examiner has rejected each of claims 2-6 and 22-26 on obviousness grounds under 35 U.S.C. § 103 in view of the combination of Traveling Software, O'Toole, and U.S. Patent No. 6,493,770 to Sartore et al.

The amendments above clarify a point of distinction between the pending claims and the prior art of record. The above amendments clarify the definition of the term "headless server" such that that a headless server is a server that is not configured to include and does not include interface tools. The headless server of the amended claims does not include any of the external interface tools, which are identified as a monitor, mouse, and keyboard. In addition, because the headless server of the amended claims does not include a video card, the headless server of the amended claims is not configured to include an internal interface tool. Thus, the headless server of the amended claims is not configured to include and does not include interface tools.

A. O'Toole Does Not Disclose a Headless Server

O'Toole does not disclose a headless server. At best, O'Toole discloses a "typical networking appliance product, "which might or might not have a keyboard or monitor" (col. 1, lines 22-23). There is no mention of whether the "typical networking appliance product" of O'Toole is configured such that it also does not include a mouse and a video card. It is very possible that the "typical networking appliance product" of O'Toole does in fact include a video card, a mouse, or both. Because the configuration of the "typical networking appliance product"

of O'Toole is not disclosed, the precise configuration of the "typical networking appliance product" of O'Toole is not known. As such, we cannot determine if the "typical networking appliance product" of O'Toole is configured such that the product does not include a mouse or a video card.

The best that can be said about O'Toole is that the "typical networking appliance product" of O'Toole may or may not include a monitor or keyboard. There is no mention in O'Toole about the existence of a keyboard or video card. In contrast, the headless server of the amended claims does not include a video card. As such, the headless server of the amended claims of the invention *cannot be configured* in a manner that would provide for an operational monitor. As plainly delineated in each of the amended claims, the headless server of the amended claims is truly headless in that the server does not include and is not configured to include interface tools, including a video card. Thus, the configuration of the headless server of the amended claims is distinct from the "typical networking appliance product" of O'Toole, "which may or may not have a keyboard or monitor" The amended claims of the present invention plainly specify that the server is configured as a headless server. O'Toole simply does not provide a clear indication of whether the "typical networking appliance product" is configured such that the product does not include each of a monitor, keyboard, mouse, and video card. The invention of the amended claims are different from and distinct from the disclosure of O'Toole.

B. Because The Prior Art Does Not Disclose or Suggest Each Limitation of the Rejected Claims, a Prima Facie Case of Obviousness is Not Established

Because the combination of Traveling Software and O'Toole does not teach or suggest each element of the rejected claims, a prima facie case of obviousness has not been

established and a rejection on obviousness grounds is improper. A *prima facie* case of obviousness requires a showing that all of the claim limitations of the rejected claims are taught or suggested by the prior art. Manual of Patent Examining Procedure 2143 and 2143.03. An obviousness rejection is improper if all of the elements of the claim are not taught or suggested in the asserted prior art references.

In addition, the establishment of a *prima facie* case of obviousness requires that *all* the claim limitations be taught or suggested by the prior art. MPEP 2143.01 (emphasis added). "All words of a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 U.S.P.Q. 494, 496 (CCPA 1970). All of the words of the amended claims are not suggested or disclosed by the prior art. In particular, O'Toole does not disclose a headless server that is configured such that the server does not include a monitor, keyboard, mouse, and video card. The disclosure of O'Toole is sufficiently limited that O'Toole does not disclose or suggest the configuration of a server that lacks each of the interface tools (monitor, keyboard, mouse, and video card). Because all of the elements of independent claims 1 and 21 are not taught or suggested by the prior art combination identified by the examiner, a *prima facie* case of obviousness cannot be established and the rejection of these claims should be withdrawn.


C. Claims 2-9 and 22-26

Claims 2-9 and 22-26 will not be discussed individually as each of these claims depends, either directly or indirectly, from an otherwise allowable base claim. Applicant respectfully submits that the rejection of these claims under 35 U.S.C. § 103 should be withdrawn and these claims should be passed to issuance.

Conclusion

Applicant respectfully submits that pending claims 1-9 and 21-26 of the present invention, as amended, are allowable. Applicant respectfully requests that the amendments provided herein be entered. Applicant respectfully requests that the rejection of these claims be withdrawn and that these claims, as amended, be passed to issuance.

Respectfully submitted,



Roger Fulghum
Registration No. 39,678

Baker Botts L.L.P.
910 Louisiana
One Shell Plaza
Houston, Texas 77002-4995
(713) 229-1707

Baker Botts Docket Number: 016295.0402

Date: July 26, 2004